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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,012	10/10/2003	Brian T. Lewis	42P16119	3236
8791 7590 02/26/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER THAI, TUAN V	
			ART UNIT 2186	PAPER NUMBER
			MAIL DATE 02/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability
- SUPPLEMENTAL -

Application No.

10/684,012

Examiner

Tuan V. Thai

Applicant(s)

LEWIS, BRIAN T.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/14/2006 and Examiner Interview conducted 02/05/2007.
2. ☒ The allowed claim(s) is/are 1-3, 6-21, 24-36, 45, 47-49 and 51-52 renumbered as 1-33, 35-36, 34 and 37-38 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

TUAN V. THAI
PRIMARY EXAMINER

Application/Control Number: 10/684,012

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Attorney's Docket No.: 42P16119

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In re application of: Lewis, Brian T. **Group:** 2186

Serial No.: 10/684,012 **Examiner:** Tuan Thai

**For: METHOD AND APPARATUS FOR FEEDBACK-BASED MANAGEMENT OF
COMBINED HEAP AND COMPILED CODE CACHES.**

1. This action is responsive to amendment filed November 14, 2006 and Examiner interview conducted on February 05, 2007. Claims 4-5, 22-23, 37-44, 46 and 50 have been canceled. Claims 1-3, 6-21, 24-36, 45, 47-49 and 51-52 are now allowed.

EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

3. Authorization for this Examiner's Amendment was given in a telephone interview with Ms. Shireen Irani Bacon; Reg. No. 40,494 on February 05, 2007.

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4. The application has been amended as follows:

a. In the claims:

a1. Cancel claims 4-5, 22-23, 46 and 50.

a2. Amending the following claims 1, 19, 45 and 49:

Claim 1. (Once amended) A method comprising:

making a first determination, based on first feedback generated during execution of a program, the first determination to indicate whether [the] a size of a compiled code cache should be modified;

making a second determination, based on second feedback generated during execution of the program, the second determination to indicate whether [the] a size of a heap should be modified; and

modifying a shared storage region based on the first determination and the second determination[.];

wherein modifying the shared storage region based on the first and second determinations further comprises if the second determination indicates that the size of the heap should be increased, modifying allocation of the shared storage region to increase the size of the heap, and to decrease the size of the compiled code cache.

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Claim 19. (Once amended) An article comprising:

a machine-readable storage medium having a plurality of machine accessible instructions, which if executed by a machine, cause the machine to perform operations comprising:

making a first determination, based on first feedback generated during execution of a program, the first determination to indicate whether [the] a size of a compiled code cache should be modified;

making a second determination, based on second feedback generated during execution of the program, the second determination to indicate whether [the] a size of a heap should be modified; and

modifying a shared storage region based on the first determination and the second determination[.];

wherein the instructions that cause the machine to modify a shared storage region based on the first determination and the second determination further comprise instructions that cause the machine to modify allocation of the shared storage region to increase the size of the heap and to decrease the size of the compiled code cache if the second determination indicates that the size of the heap should be increased.

Claim 45. (Once amended) A method comprising:

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making a first determination, based on first feedback generated during execution of a program, the first determination to indicate whether [the] a size of a compiled code cache, which is a memory area to store native code instructions, should be modified;

making a second determination, based on second feedback generated during execution of the program, the second determination to indicate whether [the] a size of a heap, which is a memory area, separate from the compiled code cache, to store data created at runtime but that is not to store code, should be modified; and

based on the first determination and the second determination, modifying a shared storage region, which is to store both the compiled code cache and the heap[.];

wherein said modifying further comprises moving a boundary between the compiled code cache and the heap while maintaining the current size of the shared storage area, and to decrease the size of the heap.

Claim 49. (Once amended) The method of claim [46] 45, wherein:

said modifying further comprises moving the boundary between the compiled code cache and the heap in order to increase the size of the heap.

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REASONS FOR ALLOWANCE

5. The following is an Examiner's Statement of Reasons for Allowance:

The prior arts of record do not teach or suggest, alone or in combination, **all** the limitations of the independent claims of the current invention (amended claims 1, 19 and 45). The discussion of the reasons for allowance shall be directed to claim 1 in which the Examiner shall designate as the primary invention in this application; however, the reasons for allowance will also apply to all other indicated independent claims (claims 19 and 45). The prior arts of record do not teach nor suggest either methods (as being claimed in the amended claims 1 and 45) or article (as being claimed in the amended claim 19) wherein the method comprises making a first determination to indicate whether size of a compiled code cache should be modified based on first feedback generated during execution of a program; making a second determination to indicate whether size of a heap should be modified based on second feedback generated during execution of the program, and modifying a shared storage region based on the first determination and the second determination; wherein modifying the shared storage region based on the first and second determinations further comprises if the second determination

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indicates that the size of the heap should be increased, modifying allocation of the shared storage region to increase the size of the heap, and to decrease the size of the compiled code cache. In light of the foregoing, claims 1, 19 and 45 of the present application are found to be patentable over the prior arts. Claims 2-3, 6-18, 20-21, 24-36, 47-49 and 51-52 further limit the allowable independent claims 1, 19 and 45. These claims are therefore allowable for the same reason as set forth above.

Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

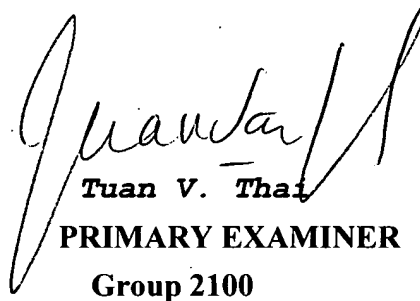
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-4187. The examiner can normally be reached on from 6:30 A.M. to 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application

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may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/February 05, 2007


Tuan V. Thai
PRIMARY EXAMINER
Group 2100